

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

PETER J. MILLER, an individual,
CLIFFORD HOYT, an individual, and
CAMBRIDGE RESEARCH AND
INSTRUMENTATION, INC.,
a Delaware corporation,

Plaintiffs,

v.

PATRICK TREADO, an individual, and
CHEMIMAGE CORP., a Delaware
corporation,

Defendants.

Civil Action No. 05-10367-RWZ

**PLAINTIFFS' MOTION TO DISMISS THIS ACTION
WITHOUT PREJUDICE UNDER RULE 41(A)(2)**

Plaintiffs Cambridge Research and Instrumentation, Inc., Peter J. Miller, and Clifford Hoyt (collectively, "plaintiffs") move, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, to dismiss this action without prejudice. This action has a single pending claim for correction of inventorship under 35 U.S.C. §256.

Pursuant to LR 7.1(b)(1), a memorandum of reasons, including citations of proper authorities, is being filed concurrently.

A proposed order is attached.

Respectfully submitted,

**PETER J. MILLER, CLIFFORD HOYT,
and CAMBRIDGE RESEARCH AND
INSTRUMENTATION, INC.,**

By their attorneys:

Dated: June 14, 2007

/s/ Teodor Holmberg
Martin B. Pavane (*pro hac vice*)
Teodor J. Holmberg (BBO# 634708)
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LOCAL RULE 7.1(a)(2) CERTIFICATION

Counsel for plaintiffs certifies that counsel for plaintiffs has conferred with counsel for defendants in a good faith attempt to resolve or narrow the issue presented in this motion, as is described in the background section of the accompanying memorandum.

/s/ Teodor Holmberg
Teodor J. Holmberg (BBO# 634708)

CERTIFICATE OF SERVICE

I hereby certify that the document identified in the top right-hand portion of this page and filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on the date indicated below.

Dated: June 14, 2007

/s/ Teodor Holmberg
Teodor J. Holmberg (BBO# 634708)

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[PROPOSED] ORDER

Pursuant to Fed. R. Civ. P. 41(a)(2), this action is dismissed without prejudice.

Dated: _____, 2007

RYA W. ZOBEL
UNITED STATES DISTRICT JUDGE